THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.No.16250 of 2005

Date: 26th July, 2005

Between:

Matta Ratala Rao, s/o. Matta Sarvaiah,

Aged: 27 years, Occ: Agriculturist and Tailoring,

R/O. Koppaka village, Pedavegu Mandal,

West Godavari District. … **Petitioner**

And

1. The District Collector,

West Godavari District at Eluru.

and 5 others … **Respondents**

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ORDER:

This writ petition is filed seeking a Mandamus declaring the inaction of the respondents 1 to 4 in taking action against the encroachments of Chinnacheruvu tank of Koppaka village, Pedavegu Mandal, West Godavari District and against the illegal activities of respondents 5 and 6, as illegal and arbitrary.

The grievance of the petitioner is that he is a small agriculturist having Ac.1.00 guntas of land in Koppaka village and he is cultivating the same with the irrigation source of Chinnacheruvu tank of Koppaka village. The sixth respondent took the

said tank for lease during the year 2003–2004 for fishing for a period of three years and with the connivance of the fifth respondent-Village Secretary, Koppaka Village, he is creating troubles and not allowing the petitioner and other farmers to draw the water from the tank for irrigation purposes. In this regard, on several times the petitioner and other farmers approached the respondents 1 to 4 complaining the same, but so far no action has been taken against the respondents 5 and 6.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue, appearing on behalf of the respondents 1 to 4.

There is no supportive material to prove the allegation made by the petitioner that on several times he and other farmers approached the respondents 1 to 4 complaining about the alleged encroachments. More over, there is also no material to establish that before filing this writ petition the petitioner has approached the respondents 1 to 4 or filed any representation to grant the relief sought for. Unless the petitioner approaches the respondents and makes any representation, no direction can be given to the respondents. Therefore, I see no reasons to entertain this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission. No order as to costs.

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ELIPE DHARMA RAO, J

Date: 26th July, 2005

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